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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In re Applications of )  
Scripps Howard Broadcasting )  
Company )  
For Renewal of License of )  
Station WMAR-TV, )  
Baltimore, Maryland )  
and )  
Four Jacks Broadcasting, Inc. )  
For a Construction Permit )  
For a New Television )  
Facility on Channel 2 in )  
Baltimore, Maryland )

MM Docket No. 93-94

FCC File No. BRCT-910603KX

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

FCC File No. BPCT-910903KE

TO: The Honorable Richard L. Sippel  
Presiding Administrative Law Judge

RENEWAL EXPECTANCY CLAIM

Scripps Howard Broadcasting Company ("Scripps Howard")

for excluding relevant license term data, however, is that the incumbent will have then become aware of the comparative challenge and might take steps to upgrade its performance belatedly to counter it. Id. This rationale is not relevant here because Four Jacks Broadcasting, Inc. ("Four Jacks"), did not serve Scripps Howard with a copy of its competing application, and Scripps Howard's receipt of actual notice of the filing of this application was therefore substantially delayed. Given (1) Four Jacks' decision to leave all notice of the filing of its application to the FCC's public notice process, (2) the resulting delay in actual notice to Scripps Howard, (3) the obvious reality that the programming of a major market, network-affiliate television station cannot be changed for the better absent substantial planning time, and (4) the particular value here of considering the most extensive license term record that can be expected to be probative of future performance, the full WMAR-TV license term through September 30, 1991, should be considered as fully relevant for Scripps Howard's basic renewal expectancy showing.

In addition, in accord with the Commission policy set out in Post-Newsweek Stations, Florida, Inc., 23 F.C.C.2d 946, 947 (1970), Scripps Howard intends to offer for renewal expectancy consideration a concise showing of how it has implemented its plans for the station's programming and ascertainment performance in accord with representations made to the Commission in connection with its acquisition of the station, see Exhibit IV-2

to the Channel 2 assignment application from Gillett Broadcasting to Scripps Howard (BALCT-900810KE) (copy attached). This showing will demonstrate the continuation and appropriate evolution under Scripps Howard's ownership of the high level of community service programming offered by the station during the license term. For example, it will show (1) Scripps Howard's continuation of the locally produced, daily, early morning news program which was developed during the license term and launched in mid-September of 1991, and (2) the implementation of additional issues ascertainment efforts undertaken at the station in accord with directions from Scripps Howard's group-wide management that were communicated to the station during the license term.

Consideration of such evidence of implementation of plans adopted during the license term bears no resemblance to the prohibited practice of permitting a licensee to rely on post-term upgrading to "evade the consequences of its deficient [license term] performance." See Video 44, 6 F.C.C. Rcd at 4950.

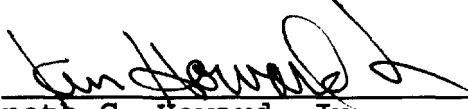
Finally, Scripps Howard will offer a brief description of the level of non-entertainment and community needs-addressing programming offered by Station WMAR-TV during the period before Scripps Howard took control of the station, but while the station was operated under the same professional management which still directs the station's day-to-day operations. This showing is relevant both (1) to rebut any inference that Scripps Howard's license term stewardship might be a less reliable predictor of the station's future performance because the license term

programming might have been "upgraded" in anticipation of the possibility of a renewal challenge; and (2) to demonstrate that Scripps Howard's purchase of WMAR-TV and its related acquisition of the employment contract of WMAR-TV's professional manager was itself the very type of investment in quality programming service to the community that the renewal expectancy is intended to encourage, see Central Florida Enterprises, Inc. v. FCC, 683 F.2d 503, 507 (D.C. Cir. 1982).

Scripps Howard estimates that approximately 40 witnesses are expected to testify on the issue of renewal expectancy.

Respectfully submitted,

SCRIPPS HOWARD BROADCASTING COMPANY

By:   
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May 7, 1993


Counsel to Scripps Howard  
Broadcasting Company

EXHIBIT IV-2

Scripps Howard proposes to provide programming responsive to the needs and interest of the service area. In this regard, an ongoing community leader ascertainment procedure will be implemented.

**CERTIFICATION OF RENEWAL EXPECTANCY**

I, Arnold J. Kleiner, Vice-President of Scripps Howard Broadcasting Company and General Manager of WMAR-TV, Baltimore, Maryland, certify under penalty of perjury that the matters contained in the foregoing Renewal Expectancy Claim are true and correct.

  
\_\_\_\_\_  
Arnold J. Kleiner, Vice-President,  
Scripps Howard Broadcasting  
Company and  
General Manager, WMAR-TV

\_\_\_\_\_  
Date

May 6, 1993

Certificate of Service


I, Ruth E. Omonijo, a secretary in the law offices of Baker & Hostetler, here certify that I have caused copies of the foregoing "Renewal Expectancy Claim" to be hand-delivered this 7th day of May, 1993 to the following:

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